

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

ALLISON MARSTON DANNER (CSBN 195046)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7144
FAX: (415) 436-7234
[Email: allison.danner@usdoj.gov](mailto:allison.danner@usdoj.gov)

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No.: 3-08-70096 MEJ
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME
v.)	
)	
TIMOTHY CRAIG,)	
)	
)	
Defendant.)	

On February 21, 2008, defendant was charged in a criminal complaint. On February 25, 2008, defendant was arraigned on the complaint and entered a plea of not guilty. On April 24, 2008, both parties appeared to set a date for a preliminary hearing. At the appearance on April 24, 2008, both parties requested, and the Court agreed, to set the preliminary hearing for May 9, 2008. The parties further stipulated and, defendant specifically consented, that, pursuant to Federal Rule of Criminal Procedure 5.1(d), the time limits set forth in Rule 5.1(c) be excluded from April 24, 2008, to and including May 9, 2008. This Court accordingly agreed to extend the time for a preliminary hearing, taking into account the public interest in the prompt

1 disposition of criminal cases. Fed. R. Crim. P. 5.1(d). The parties agree that – taking into
2 account the public interest in prompt disposition of criminal cases – good cause exists for this
3 extension. Defense counsel continues to review the computer evidence seized in this case. The
4 parties agree that granting the continuance is necessary for effective preparation of defense
5 counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).
6 The parties also agreed that the ends of justice served by granting such a continuance outweighs
7 the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §
8 3161(h)(8)(A).

9 IT IS SO STIPULATED:

10 JOSEPH P. RUSSONIELLO
11 United States Attorney

12 DATED: April 25, 2008

13 /s/
ALLISON MARSTON DANNER
Assistant United States Attorney

14 DATED: April 25, 2008

15 /s/
STEVEN G. KALAR
16 Attorney for Timothy Craig

17 For the reasons stated above, the Court finds that exclusion of time from April 24, 2008
18 through May 9, 2008 is warranted and that the ends of justice served by the continuance
19 outweigh the best interests of the public and the defendant in a speedy trial and prompt
20 disposition of criminal cases. *See* 18 U.S.C. §3161 (h)(8)(A); Fed. R. Crim. P. 5.1(d). Failure
21 to grant the requested continuances would deny defendant reasonable time necessary for
22 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C.
23 §3161(h)(8)(B)(iv).

24
25 IT IS SO ORDERED.

26 DATED: April 28, 2008

27 
THE HON. JAMES LARSON
28 Chief United States Magistrate Judge